

~~SEARCHED~~

**UNITED STATES DISTRICT  
SOUTHERN DISTRICT OF NEW YORK**

THE BANK OF NEW YORK TRUST  
COMPANY, N.A., as Trustee,

Plaintiff,

1:07-cv-08255-PKC

v.

FIRST MAGNUS CAPITAL, INC., THOMAS W.  
SULLIVAN, SR., as Trustee of the THOMAS W.  
SULLIVAN REVOCABLE TRUST,

Defendant.

MOTION TO ADMIT COUNSEL  
PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Matthew R.K. Waterman, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name:	Jonathan M. Saffer
Firm Name:	Snell & Wilmer L.L.P.
Address:	One Arizona Center
City/State/Zip:	Phoenix, AZ 85004-2202
Phone Number:	(602) 382-6525
Fax Number:	(602) 382-6070

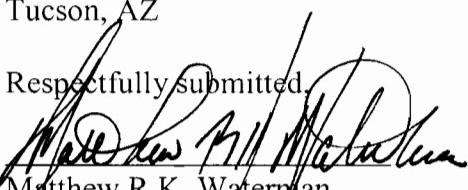
Jonathan M. Saffer is a member in good standing of the Bar of the State of Arizona.

There are no pending disciplinary proceedings against Jonathan M. Saffer in any State or Federal Court.

I have conferred with all other parties and advise the Court that their consent to this pro hac vice admission has been obtained.

Dated: October 22, 2007  
City, State: Tucson, AZ

Respectfully submitted,

  
Matthew R.K. Waterman

SDNY Bar Code:	2300341
Firm Name:	Snell & Wilmer L.L.P.
Address:	One S. Church Ave., Ste. 1500
City/State/Zip:	Tucson, AZ 85701-1630
Phone Number:	520-882-1228
Fax Number:	520-884-1294

SDNY (Rev. 10/2006) Pro Hac Vice Affidavit

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**UNITED STATES DISTRICT****SOUTHERN DISTRICT OF NEW YORK**

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**THE BANK OF NEW YORK TRUST  
COMPANY, N.A., as Trustee,**

Plaintiff,

1:07-cv-08255-PKC

v.

**FIRST MAGNUS CAPITAL, INC., THOMAS  
W. SULLIVAN, SR., as Trustee of the  
THOMAS W. SULLIVAN REVOCABLE  
TRUST,**Defendant.

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**AFFIDAVIT OF  
MATTHEW R.K. WATERMAN  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

State of New York )  
                      )  
                      ) SS:  
County of New York )

Matthew R.K. Waterman, being duly sworn, hereby deposes and says as follows:

1. I am Of Counsel at Snell & Wilmer L.L.P., counsel for Defendant First Magnus Capital, Inc. ("FMC") in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant FMC's Motion to admit JONATHAN M. SAFFER as counsel pro hac vice to represent Defendant FMC in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in October 1989. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known JONATHAN M. SAFFER since 2002.
4. MR. SAFFER is an associate at Snell & Wilmer L.L.P., in Phoenix and Tucson, Arizona.
5. I have found MR. SAFFER to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of JONATHAN M. SAFFER, pro hac vice.
7. I respectfully submit a proposed order granting the admission of JONATHAN M. SAFFER, pro hac vice, which is attached hereto as Exhibit A.

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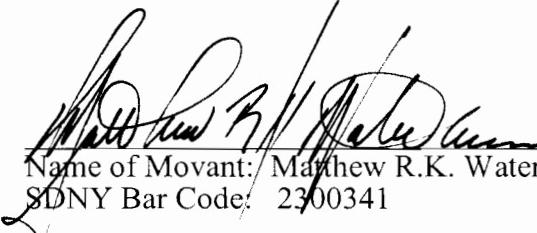
...

WHEREFORE, it is respectfully requested that the motion to admit JONATHAN M. SAFFER, pro hac vice, to represent Defendant FMC in the above captioned matter, be granted.

Dated: October 22, 2007

Respectfully submitted,

City, State: Tucson, AZ

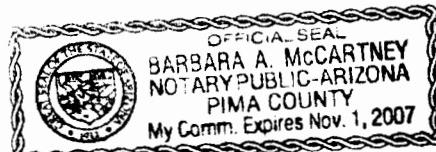
  
Name of Movant: Matthew R.K. Waterman  
SDNY Bar Code: 2300341

State of Arizona      )  
                        )  
County of Pima      ) ss.  
                        )

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of October, 2007, by Matthew R.K. Waterman.

  
Notary Public

11-01-2007  
Notary Expiration



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

The Bank of New York Trust  
Company, N.A., as Trustee

Plaintiff,

- against -  
First Magnus Capital, Inc., Thomas  
W. Sullivan, Sr., as Trustee

Defendant.

7 cv 08255 (PKC)

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Matthew R.K. Waterman attorney for First Magnus Capital, Inc.

and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Jonathan M. Saffer

Firm Name: Snell & Wilmer L.L.P.

Address: One Arizona Center, Phoenix, AZ 85004-2202

City/State/Zip: Phoenix, AZ 85004-2202

Telephone/Fax: 602-382-6525 / 602-382-6070

Email Address: jmsaffer@swlaw.com

is admitted to practice pro hac vice as counsel for First Magnus Capital, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
City, State:

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United States District/Magistrate Judge

CERTIFICATE OF GOOD STANDING  
ISSUED BY THE DISCIPLINARY CLERK  
FOR AND ON BEHALF OF  
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **JONATHAN MARC SAFFER** was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on April 22, 2003, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 16<sup>th</sup> day of October, 2007.

Nancy Swetnam  
Acting Disciplinary Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK TRUST  
COMPANY, N.A., as Trustee

Case No. 1:07-cv-08255(PKC)

Plaintiff,

v.

FIRST MAGNUS CAPITAL, INC.,  
THOMAS W. SULLIVAN, SR., as Trustee  
of the THOMAS W. SULLIVAN  
REVOCABLE TRUST,

Defendants.

**PROOF OF SERVICE**

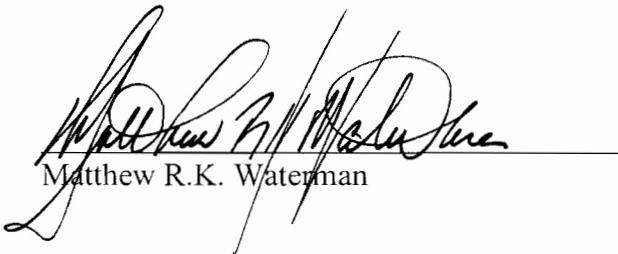
Matthew R.K. Waterman, under penalty of perjury, hereby certifies that:

1. I am over 18 years of age, I am not a party to the above-captioned proceedings, and I am employed by Snell & Wilmer L.L.P., One S. Church Ave., Ste. 1500, Tucson, Arizona 85701-1630.

2. On October 22, 2007, I caused to be served a true and correct copy of the “Motion to Admit Counsel Pro Hac Vice” (re Christopher H. Bayley) in the above-captioned case upon the parties listed on the attached Service List by U.S. mail or electronic notification, as indicated.

3. On October 22, 2007, I caused to be served a true and correct copy of the “Motion to Admit Counsel Pro Hac Vice” (re Jonathan M. Saffer), in the above-captioned case upon the parties listed on the attached Service List by U.S. mail or electronic notification, as indicated.

Dated: Tucson, AZ  
October 22, 2007

  
Matthew R.K. Waterman

**Service List**

**By U.S. Mail**

Thomas W. Sullivan Sr., as Trustee of the  
Thomas W. Sullivan Revocable Trust  
603 N. Wilmet Rd.  
Tucson, AZ 85711

**By Electronic Notification**

Kenneth G. Roberts  
Wolf, Block, Schorr and Solis-Cohen, LLP  
250 Park Ave.  
New York, NY 10177  
Counsel for Plaintiff

KRoberts@WOLFBLOCK.com